IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 8TH AUGUST 2007 / 17TH SRAVANA 1929

WP(C).No. 24052 of 2007(L)

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PETITIONER:

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VENUGOPAL, CHARUTHA,
GANAPATHY, ALAMPALLY P.O.,
KANHANGAD.

BY ADV. SRI.P.SREEKUMAR
SRI.K.S.MANU (PUNUKKONNOOR)

RESPONDENTS:

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1. KANHANGAD MUNICIPALITY, REPRESENTED BY ITS SECRETARY, KANHANGAD.

2. THE SECRETARY, KANHANGAD MUNICIPALITY, KANHANGAD.

3. THE TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS, THIRUVANANTHAPURAM.

4. PRIYESH M.V., YAMUNA,
KUSHAL NAGAR, KANHANGAD, HOSDURG.

BY SR. GOVT. PLEADER SRI. K.J. MOHAMMED ANZAR.
R1 & R2 BY ADV.SRI.T.K.VIPIN DAS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**K.M.JOSEPH, J.**

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WP.(C) No. 24052 of 2007

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Dated this the 8th day of August, 2007

**JUDGMENT**

Petitioner approached this court against Ext.P5. The matter had engaged the attention of the Tribunal for Local Self Government Institutions. The Tribunal by Ext.P2 disposed of the revision petition filed by the petitioner and directed that if the petitioner files an affidavit within 30 days from the date of the order (17.1.2007) undertaking to effect alterations to the building in question, which was directed to be demolished by the Municipality, so as to make it in conformity with the statutory provisions and apply for its regularisation within four months from the date of the order and submits an application accordingly after effecting alterations, further action pursuant to these orders shall be taken only after the orders are passed on the application for regularisation with opportunity of hearing to the petitioner and the fourth respondent herein. According to him the petitioner has filed Ext.P3 affidavit and he was awaiting instructions regarding the alterations to be made. Ext.P4 was the notice issued on

12.7.2007 by the Municipality. Thereafter hearing took place culminating in Ext.P5 order. In Ext.P5 order it is noted that there is violation of the Rules and the alterations are not made by the petitioner and accordingly Ext.P5 was issued. The case of the petitioner apparently is that he was awaiting instructions and therefore he could not do anything within the period mentioned. It is pointed out that he has only one cent of land and is conducting a teashop. I am not much impressed by the contention that the petitioner was awaiting instructions regarding the alterations to be made and it may not be possible for me to interfere with Ext.P5 having regard to the terms of Ext.P2 as such. I feel that it is for the petitioner to move the Tribunal.

In such circumstances, the writ petition fails and it is dismissed. But at the same time the petitioner is given some time, so that he can move the Tribunal seeking appropriate orders. Ext.P5 shall be kept in abeyance for a period of ten days from today.

(K.M. JOSEPH, JUDGE)

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